



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,149	06/22/1998	YOSHIYUKI OKADA	1081.1071/JD	1467

21171 7590 05/21/2002

STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/102,149

Applicant(s)

Okada

Examiner
Christopher Onuaku

Art Unit
2615



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Mar 4, 2002

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1835 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1, 3, 5-12, and 14-21 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 3, 5-12, and 14-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) Other: _____

Art Unit: 2615

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,3,5-12&14-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (US 4,982,390).

21
Regarding claim 21, Tanaka disclose in Fig. 1,2,4 a signal recording apparatus which, when instructed to start a signal recording, is capable of recording the necessary signal, comprising:

- a) a receiver receiving broadcast video image data (see Fig. 1 and input terminal 1 with which an input signal Sin is supplied, such input signal as video or voice, which can be a telecast or radio broadcasting program ; col. 3, lines 35-43; and col.5, lines 64-67);

Art Unit: 2615

b) a first storage unit storing the received broadcast video image data according a FIFO sequence (see Fig.1,3&4; temporary memory 4; col.3, line 35 to col.4, line 4; col.6, lines 27-37; and a disk memory as shown in Fig.2 may be used as memory 4);

c) a second storage unit storing an indicated video image data in the stored received broadcast image data of the first storage unit at a predetermined rate (see Fig.1, MAIN recorder 8; col.5, lines 1-57);

d) indicating means for indicating the video image data to be played back (see Fig.1, and input device 9; col.5, lines 1-38), here the user monitors the input signal through the monitor device 7 and sends an access command to controller 10 through input device 9 when confirming the part of the Sin he wants to save; the controller 10, upon receiving the access command causes the selected portion of the signal Sin to be displayed on monitor device 7 and recorded on the MAIN recorder 8;

e) a control unit controlling the first storage unit so as to store the received broadcast video image, and for searching and reading the indicated video image data which have been stored in the first storage unit, and storing the indicated video image data in the second storage unit according to the indication of the indicating means (see Fig.1; controller 10; col.5, lines 1-38), here the user monitors the input signal through the monitor device 7 and sends an access command to controller 10 through input device 9 when confirming the part of the Sin he wants to save; the controller 10, upon receiving the access command causes the selected portion of the signal Sin to be displayed on monitor device 7 and the recorded on the MAIN recorder 8.

Art Unit: 2615

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,5,10-12&14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazo (US 6,301,427) in view of Tanaka (US 4,982,390).

Regarding claim 1, Kazo discloses in Fig.1,2,3 a recording/reproducing apparatus for recording picture signals on a recording medium, and reproducing the recorded pictures signals, comprising:

- a) a receiver receiving broadcast video image data (see Fig.1, FRIN 31, input terminal 32; col. 5, line 47 to col.6, line 15);
- b) a first storage unit storing the received broadcast video image data (see Fig.1 and memory 14; col.6, lines 64-67 and col.7, lines 19-35);
- c) a second storage unit storing an indicated video image data in the stored received broadcast image data of the first storage unit (see Fig.1 and memory 13; col.6, lines 35-63, and col.7, lines 15-18);

Art Unit: 2615

d) indicating means for indicating the video image data to be played back (see Fig. 1&4, the identification information, remote controller 50 and CPU 11; col.13, lines 45 to col.14, line 10);

e) a control unit controlling the first storage unit so as to store the received broadcast video image, and for searching and reading the indicated video image data which have been stored in the first storage unit, and storing the indicated video image data in the second storage unit according to the indication of the indicating means (see Fig.1; CPU 11; col.6, lines 24-63 and col.13, line 45 to col.14, line 10); and

f) wherein the control unit stores a write address and a write time of the first storage unit into a storage table whenever a predetermined amount of the received broadcast video image data is stored in the first storage unit, searches a write address of the indicated video image data from the storage table according to an indicated time of the indicating means, and read the indicated video image data according the searched write address (see Fig.1, CPU 11, memory 13 and memory 14; col.6, line 23 to col.7, line 18; col.8, line 13 to col.9, line 2 and col.13, line 45 to col.15, line 32).

Kazo fails to explicitly disclose where the first storage unit is a FIFO storage unit. Tanaka disclose in Fig.1,2,4 a signal recording apparatus which, when instructed to start a signal recording, is capable of recording the necessary signal wherein Fig.4 illustrates another example of temporary memory 4 which uses an FIFO (First In First Out) memory 21 in place of the recording disk 11. It is known that an FIFO memory has a built-in address generator and

Art Unit: 2615

sequentially stores an input signal and reads out its content in the same sequence as the input sequence in response to an external clock signal (see col.6, lines 27-37). It would have been obvious to modify Kazo by adding a FIFO memory as the first memory (memory 14) since it is well known that FIFO memory has the desirable advantage of a built-in address generator and sequentially stores an input signal and reads out its content in the same sequence as the input sequence in response to an external clock signal, as taught by Tanaka.

Regarding claim 5, Kazo discloses wherein indicating means includes means for being operated by a user (see Fig.4, and the remote controller 50; col.7, lines 38-57).

Regarding claim 10, Kazo discloses wherein the first storage unit comprises a disk storage unit (see col.16, lines 24-34).

Regarding claim 11, Kazo discloses wherein the second storage unit comprises a disk storage unit (see col.16, lines 24-34).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 1 above, including wherein the first storage unit is a random access storage unit (see Fig.1, memory 14 and col.7, lines 15-18).

Art Unit: 2615

Regarding claim 14, Kazo discloses wherein the random access storage unit comprises a disk storage unit (see Fig.1, memory 14 and col.16, lines 24-34).

Regarding claim 15, Kazo discloses wherein the control unit has a storage management table for storing storage addresses of each broadcast image data stored in the random-access storage unit, and wherein the control unit searches the indicated video image data by referencing the storage management table (see Fig.1&2; CPU 11 and col.6, lines 51-63; col.6, lines 35-63; col.9, lines 3-14, and col.13, line 46 to col.14, line 34).

Regarding claim 16, Kazo discloses indicating means for indicating the video image data to be recorded (see Fig.1&4, the identification information, remote controller 50 and CPU 11; col.13, lines 45 to col.14, line 10).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kazo in view of Tanaka and further in view of Browne et al (WO 92/22983).

Regarding claim 3, Kazo and Tanaka fail to disclose wherein the first storage unit stores broadcast video image data in a plurality of channels which broadcast at a same time. Browne et al teach a large capacity, random access, multi-source audio and video recorder player which is capable of receiving a plurality of simultaneous input signals and which allows a user to view

Art Unit: 2615

and/or to record selected ones of the plurality of input signals comprising multi-input connections, each of which may receive an input signal 101a-101f from the air and ground based broadcast sources, cable feeds, or digital distribution sources. The multi-source recorder player 100 can receive and process through multi-channel sources compressed digital signals 101g and 101h. Receiving compressed signals expands the signal handling and storage capacity of the multi-source recorder player 100. Once signals are input, the multi-source recorder player 100 can simultaneously record, process, route, and display the plurality of input video and/or audio signals (see Fig. 1; page 6, at least lines 1-12). Storing broadcast video image data in a plurality of channels which broadcast at a same time provides the desirable advantage of expanding the signal handling and record capacity of a multi-source recorder player, for example. It would have been obvious to further modify Kazo by realizing Kazo with a multi-source recorder means that can store broadcast video image data in a plurality of channels which broadcast at a same time, as taught by Browne, since this provides the desirable advantage of expanding the signal handling and record capacity of a multi-source recorder player, for example

7. Claims 6&17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazo in view Tanaka and further in view of Yuen et al US 5,488,409).

Regarding claim 6, Tanaka and Kazo fail to disclose wherein the indicating means comprises means for determining the video image data to be played back from a list of information indicative of how video image has been recorded by a user. Yuen et al teach an

Art Unit: 2615

automatic monitoring of the operation of a video cassette recorder including a menu which includes a list of user program options from which a user can select a desired program (col. 14, line 50 to col.15, line 15; and col.37, line 19 to col.39, line 17). Providing program menu which includes a list of programs from which a user can select a desired program helps to facilitate program selection process by reducing the time for selecting a desired program. It would have been obvious to further modify Kazo by realizing Kazo with the means to provide program menu which includes a list of programs from which a user can select a desired program, as taught by Yuen, since this helps to facilitate program selection process by reducing the time for selecting a desired program.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claims 1&6 above

8. Claims 7-9&18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazo in view of Tanaka and Yuen '409 in view of Yuen et al (US 5,335,079).

Regarding claim 7, Kazo, Tanaka and Yuen '409 fail to explicitly disclose wherein the indicating means comprises means for determining video image data which is recorded with highest probability in the list as the video image data to be played back. Yuen '079 teaches the timer preprogramming feature of video cassette recorders (VCRs) and to an apparatus and method for using encoded information to shorten the time required to perform timer preprogramming

Art Unit: 2615

wherein in performing timer preprogramming, the channel, date, time and length of a program are prioritized in order to determine the proper ordering of programs. For example, in channel prioritization, most frequently used channels have a low priority number (see col.9, line 24 to col.11, line 22). It would have been obvious to one of ordinary skill in the art to further modify Kazo by applying the principle of prioritizing programs, as taught by Yuen '079, in order, for example, to determine the proper ordering of programs. With Kazo modified with Yuen '079, it would have been obvious to apply the prioritizing principle in the program list in the menu now added to Kazo in order to determine the proper ordering of programs in the menu.

Regarding claims 8&9, Kazo, Tanaka and Yuen '409 fail to disclose wherein the indicating means comprises means for updating the list and placing video image data which has been recorded most recently in a location of highest priority in the list. Yuen '079 further teaches a stack memory 76, wherein if a first program is entered, it is placed at the top location of the stack memory. If there are already programs in the stack memory, the newly entered program will first be provisionally placed at the bottom of the stack memory. The stack memory will then be sorted into the correct temporal order so that the earliest program in time will appear in the top location and the last program in time will be at the bottom (see col.18, lines 11-65).

Placing the newest recorded image data at the top location in a storage means with the highest priority, during storage means update operation, would, for example, serve as a reminder to the user that the video image at the top of the list is the most current video image.

Art Unit: 2615

It would have been obvious to further modify Kazo by realizing Kazo with the means to place the most recently recorded data, during storing update, at the top location of the storing means with the highest priority, as taught by Yuen '079, in order, for example, to serve as a reminder to the user that the video image at the top of the list is the most current video image.

With Kazo now modified with Yuen '079, it would have been obvious to place the most recently recorded video image data at the top of the list with the highest priority, when updating the list, which would, for example, serve as a reminder to the user that the video image at the top of the list is the most current video image.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 7 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 8 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 9 above

Art Unit: 2615

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Art Unit: 2615

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct
to Customer Service whose telephone is (703) 306-0377.


COO

5/8/02


ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600